1947

File No. S.DWR 1/47

Legal DEPARTMENT

A BRANCH

Subject:— Dharwar Suit

Civil Suit No. 299 of 1946

Venkatesh Narasinh Talwai ... Plff

Vs.

The Province of Bombay .... Deff.

Re- For a declaration that the Govt. Resolution (P.& S.D) No. 923, dated 7th September 1945 is illegal and ultra vires and for possession of the two Lands with Mesne profits

Civil Appeal No. 54 of 1948

P.26/6

File No. S.DWR 1/47

Std. Sectt. SNp 24.B

S.DWR 1/47

CONTENTS.

Legal Department File No. S. Dwr. 1/47.

Sr. No.	Compilation No.	Subject	Pages.
		Suits Dharwar.	
		C. S. No. 299/1946.	
		V. N. Talvai plff.	
		V/s.	
		The Province of Bombay. Deft.	
1)	G.R.L.D. 6081 11th June 1947	The Govt. Resolution (P.L.S.D.) No. 923, is illegal and ultra vires. Sanctioning the defence of the suit.	13
2)	G.R.L.D. 7570 11th August 1948	Recording the result of the suit.	15
3)	G.R.L.D. 13566 23rd August 1951	Sanctioning the defence of C. Appeal No. 54/1948.	25

L.C.Suit No.299 of 1946.

On the file of the Court of the Civil Judge, Sr.Dn., Dharwar.

Plff:-Venkatesh Narashinh Talvai of Hebli, Tal:-Dharwar, Dist D

Vs.

Defts:-1. The Province of Bombay.

2. Sheshgirirao Madhavrao Hebliker Saranjamdar minor by the estate manager the Collector of Dharwar.

Chronological statement of Facts:-

1. This is another suit filed by plaintiff for (A) a dms declaration that the orders passed by Government in G.R.R.D. No.923 dated 7-9-1945, are ultravires so far as they affect the suit properties for (B) possession of the two lands in marginally noted suit claimed by plaintiff as donee situated at Hebli village

R.S.Nos.	Acres	
19	33-6	assessment total R.62-8-0 at the
75	22-35	rate of R.25/- per mar i.e. 17mm

acres by virtue of the above mentioned G.R.R.D. and declared to be saranjam. (C) future mesne profits, costs and other - reliefs. Plaintiff claims the two suit lands under a deed of gift of the year 1936 alleged to have bben passed by late Sardar Laxmanrao Madhavrao Hebliker the grand father of the present saranjamdar Deft No.2.

(2). The chronological statement of facts leading to the passing of the G.R.R.D.No.923 dated 7.9.45, is to be found in ~~(End of para 11 of Ch.S.F.~~ in the brief accompanying G.R.R.D.No.4116-A dated 1st June 1946) particularly in para 11 thereof.

(3). In para 5 at Sec. 4 of the G.R.R.D.No.923 dated 7th September 1945, a reference is made to the present plaintiff Venkatrao Narasinhrao Talvai and to the two lands in suit - alienated to him by a deed of gift in 1936 by the then saranjamdar and designated as Patilki and Kulkarniki Watan lands But the serve numbers are not noted there.

(4). Plaintiff admits in paras 1 of plaint that the two lands form part of the 200 mars of land loosely styled as Watan property, but allegations in para 2 of plaint are that the said 200 mars of land have not lost their Watan character and have been the private Inam property of the Heblikers and the provisions of the watan Act are not applicable to them.

P13
Con Para

(5). The plaintiff Challenges the orders of the G.R.R.D.No. 923 dated 7th September 1945 on the following grounds.-

1. Government have treated the suit properties forming part of 200 mars, as non-Saranjam for nearly two centuries.

2. The Inam Committee decision regarding the 200 mars, is that they are the private properties of Heblikers, and it is binding upon Government. (3).Therefore it iam not competent for Government to change the tennure of the 200 mars and the suit pro erties. (4). no opportunity was given to plaintiff to put forward his objections to the passing of G.R.R.D.No.923 of 7-9-45. (5)Both Government and Defendant 2's grandfather (i.e.Sardar Laxmanrao Madhavrao) were parties to the decision in the privy council last in 29 Bom L.R.P which (according to Plaintiff) holds that the 200 mars are the private properties of Hebliker and which is binding upon Government and defendant 2 to this case.

(6). On 29-10-1945 plaintiff gave notice of suit under section 80 C.P.C. to the Collector of Dharwar. It was received by the Collector on 31-10-1945. In this plaintiff has stated that he would sue for (1) declaration that the G.R.R.D.No.923 of 7-9-45 is ultravires and (2) for a permanent injunction restraining Government from dispossessing him from the two lands in suit.

(7)But prior to the date of the said notice, on 20-10-45 the Collector of Dharwar had ordered in WTN(N.S)721 that the two lands in suit should be resumed from plaintiff. Accordingly on 30-11-45 the Mamlatdar ,Dharwar, took possession the said two lands in suit from plaintiff.

(8). Therefore on 6-2-1946, plaintiff gave a second notice of suit under section 80 C. P. C. to the Collector, Dharwar in which he stated he would ask for the reliefs of declaration that the G.R.R.D. in question is ultravires and also for possesseion of the two lands in suit on 7-2-1946 the said notice was received by the Collector by registered post.

(9). On 2-9-1946, the plaintiff filed the present suit for reliefs as stated in para 1 above.

Grounds of defence.

The suit has to be defended on the lines of the brief accompanying G.R.R.D.No.4116-A dated 1st June 1946.

It may be added that the suit property being saranjam

5 3

Saradar Laxmanrao the donor was not competent to alieantion - the same beyond his life time. The said Saradar grandfather pf defendant 2 died in 1936 after the gift to plaintiff was made by him.

~~Draft Written Statement.~~

Written statement of defendant No 1 & 2 of Annexure 5

(1). Plaintiff's ~~write~~ right to suit properties is denied. The suit properties form part of the Hebli saranjam resumable at the ~~xxxxxxxxxx~~ pleasure of Government and are not the private properties of the saranjam holders of Hebli as alleged. The allegations in paras 1 & 2 that the 200 mars of land loosely styled as Watan properties of which suit properties are the - private Inam proeprties, of Hebliker's is denied.

(2). It is true that the 200 hundred mars of land were at one time prior to the sranjam grant of Hebli village to the ancestors of Deft. 2 but held on Watan Tenure, for default in payment of Judde in respect of those lands, possession thereof was taken by the then Government in about 1723. In1748 the whole of Hebli village - including the said 200 mars of land of which the present suit properties form part , was granted in saranjam to the then - Jahagirdars. The defendant/ submits that the suit lands forming part of the 200 mars minous 7½ mars and 3 bighas which only went into the possession of the Nadgirs of Hebli, are saranjam and that they are not the private properties of the Jahagirdars

(3). In 1858 the Inam Commissioner decided that only 7½ - mars and 3 bighas were Valim Watan & the remainder 192 and odd mars belonged to the Jahgirdars. The decision of the Inam Commissioner was confirmed by Government and this decision has been construed by the Judicial decisions to mean that the 192 and odd mars are neither the Watan nor the private properties of either the Jahagirdars or Nadgirs, but form part of Hebli saranjam. The allegations in para 5(c) of plaint in this respect are denied. The allegation in para 5A of plaint is also denied.

(4). It is denied that the Government is estopped from treating the suit properties as saranjam. It is true that Govt had for some time taken the vice regarding the tenure of these said 200 mars of land that they were watan by erroneous construction of the decision of the Inam Commission of 1858 and the report of the Inam Commissioner dated 9th January 1865. In - Civil Suit No.2/1913 of the District Court of Dharwar The grandfather of Deft 2 who had been directed by Government in 1908 to contribute towards the remuneration of the village affairs of Hebli out of the part of the said lands in his possession, - -

1. The Plaintiff's claim in the suit is a claim against the Govt relating to lands held under a saranjam tenure. The suit is therefore barred under Section 4 of the Bombay Revenue Jurisdiction Act.

Here insert paragraphs 4 & 5 of W.S. at pg 2 below and renumber rest paras 5 & 6.

contended that the 192 acres odd mars of land were the private properties of the Jahagirdars. Government however contended that they were not the private properties as alleged. The Privy Council held ultimately that these lands were not watan acres excepted from the operation of the watan Act and the lands in his possession were not liable to contribute.

(5). Subsequently in another litigation between Sardars - Vithalrao, Laxmanrao the junior Saranjamdar and the junior - member of their branches of the family, for recovery of Judee in respect of a part of the 200 mars of the land, the Hight Court held that the said 192 acres odd mars or so called Watan lands in Hebli were really part of saranjam grant of Hebli. In deciding so, they considered the effect of the previous decisions of the P.C. in which the sanad granted to the Jahagirdars and the decision of the Inam Commissioner were construed. The previous view which Government took regarding the said lands no longer survives in view of of these authoritative Judicial decisions.

(7). The further allegation in para 5 of plaint that the orders of Government in G.R. P.S.P. No.923 dated 7-9-1945 are ultra-vires and not binding upon Government and the grounds upon which that allegation is based are denied. In the circumstances stated above the suit lands are saranjam lands and the G.R. P.S.P. No.923 dated 7-9-1945 is legal, valid and binding upon all the parties concerned.

(7). Government is not estopped f om declaring the suit lands to be saranjam as alleged in the plaint, or from resuming them at pleasure.

(8). The lands in suit being held on saranjam tenure, then suit is barred under section 4-A of the Bombay Revenue Jurisdiction Act.

(9). The deft denies the allegation in the plaint regarding the manner of enjoyment of suit properties either by Plff or the family of his donor. The palintiff has no title to the suit properties under the alleged deed of gift of 1936 and his claim of ownership to them is denied. The suit lands are subject to saranjam rules and the general power of - Government in respect of saranjam.

(10). It is therefore submitted that plaintiff is not entitled to any relief and the suit should be dismissed with costs.

Dharwar Civil Suit No. 299 of 1946.

This suit is filed by Mr. Venkatesh Narashinh Talvai for a declaration that the Government Resolution (Political and Services Department) No. 923, dated 7th September 1945 in so far as it affects s. Nos. 19 and 75 of the village of Hebli is illegal and ultra vires and for possession of the two lands with mesne profits.

P+S.D. File No 923 slip I.

The lands in suit form part of the Hebli Saranjam Estate. By the G.R. of 7th September 1945 Government resumed the 8 annas share in the Hebli Saramjam held by the late Madhavrao Laxmanrao and regranted it free of all encumbrances to his son Sheshgirirao who is defendant No. 2 in this suit. In the said 8 annas share there were 95 survey numbers comprising the Patilki, Kulkarnini and Nadgirki lands the details of which are given in paragraph 5 of the Resolution. The name of the plaintiff and the two lands which he claims in this suit under a deed of gift from Sardar Laxmanrao, the grant father of the defendant No. 2 are mentioned at serial No. 4 in paragraph 5. The survey numbers are not ~~owner~~ given but it is clear that the entry refers to the suit lands. All those lands were transferred from the watan to the saranjam category on the analogy of the orders in G.R. (P. & S.D.) No. 923, dated 2nd August 1944.

The history of the 200 mars of the Patilki, Kulkarniki and Nadgirki watan lands forming part of the Hebli Saranjam, upto the passing of the two Resolutions of 1944 and 1945 is given in the brief accompanying G.R. L.D. No. 4116-A dated 1st June 1946 and is not repeated here.

File No. S. Saw/6/46 slip 2.

The plaintiff admits in paragraph 1 of the plaint that the two lands in this suit formed part of the 200 mars of land which were styled as watan lands. He claims these lands under a deed of gift of 1936 from Sardar Laxmanrao and contends that these lands were

File E p/3

private property of the Hebli Jahagridars and consequently, Government's orders directing their resumption are ultra vires.

There is no substance in this contention. In the brief accompanying the G.R. L.D. No. 4116-A dated 1st June 1946 it has been shown how, as a result of a long ~~saus~~ series of previous litigations the suit lands came to be regarded as ~~formerly~~ forming part of the Hebli Jahagir held under a Sarnajam tenure. The lands are therefore resumable under the Sarajam Rules. The plaintiff's contention that they are private properties is untenable and the gift deed under which he claims is also invalid.

Sanction may be accorded to the defence of the suit on the lines of the brief accompanying G.R. L.D. No. 4116-A dated 1st June 1946. A draft written statement is put up for approval.

This is also proposed by the Coll. & Comm. S.D.

23/5/47

A L R 28/5

R L A 23/5

+ chief secretary 28/5

X 5325
23/5/47

In the Court of the Civil Judge, Senior Division,
Dharwar.

L. C. Suit No. 299 of 1946.

Venktesh Narashinha Talvai, - - - - - - Plaintiff

Vs.

1. The Provincial Government of Bombay)
2. Shesgirirao Madhavrao Heblikar) Defendants

Written statement of defendant No. 1 is as follows:-

1. The plaintiff's claim in this suit is a claim against the Crown relating to lands held under a Saranjam tenure. The suit is therefore barred under section 4 of the Bombay Revenue Jurisdiction Act.

2. Plaintiff's right to suit properties is denied. The suit properties form part of the Hebli Saranjam resumable properties at the pleasure of Government and are not the private of the saranjam holders of Hebli as alleged. The allegations in paragraphs 1 and 2 that the 200 mars of land loosely styled as Watan properties of which suit properties form part are the private Inam properties of Hebliker's is denied.

3. It is true that in former times the 200 mars of land were held on Watan Tenure, but for default in payment of Judge in respect of those lands, possession thereof was taken by the then Government in about 1723. In 1748 the whole of Hebli village including the said 200 mars of land of which the present suit properties form part, was granted in saranjam to the then Jahagirdars. This defendant submits that the suit lands forming part of the 200 mars minus 7½ mars and 3 bighas which only went into the possession of the Wadgirs of Hebli, are saranjam and that they are not the private properties of the Jahagirdars.

4. In 1858 the Inam Commissioner decided that only 7½ mars and 3 bighas were Kadim Watan and the remainder 192 and odd mars belonged to the Jahagirdars. The decision the Inam Commissioner was confirmed by Government and decision has been construed by the Judicial decis mean that the 192 and odd mars are neither the

the private properties of either the Jahagirdars or Nadgirs, but form part of Hebli saranjam. The allegations in paragraph 5(c) of plaint in this respect are denied. The allegation in paragraph 5(d) of plaint is also denied.

5. It is denied that Government is estopped from treating the suit land as Saranjam. It is true that in 1908 Government by Government Resolution, Revenue Department, No. 10129, dated 7th October 1908 construed the Inam Commissioner's report dated 9th January 1865 as deciding the 120 mars to be Watan and ordered remuneration of village officers of Hebli to be levied from Sardar Laxmanrao. The latter being dissatisfied, filed C.S.No. 2/13 against Government and the Nadgirs. In the appeal from the decision in that suit the High Court held that the 120 mars out of 200 mars which were in dispute therein were Watan and Government following that ruling, passed the Resolution No. 923, dated 27th March 1924 holding that the Kadim Patilki, Kulkarni and Nadgir Lands were not to be resumed and the grantees were to be entitled only to the Mamul Judee and ordering 200 Mars lands to be entered in watan register. The High Court's decision was subsequently reversed by the Privy Council in 1927 who held that the watan Act was not applicable to the 200 mars which were not consequently liable for remuneration of the officers.

6. Subsequently in another litigation between Sardars Vithalrao and Laxmanrao the Junior Saranjamdar and the Junior members of their branches of the family for recovery of judee/ in respect of a part of the 200 mars of land the High Court held that the 200 mars of so called watan lands in Hebli, were really part of saranjam grant of Hebli. In doing so, they considered the effect of the previous decisions of the P.C. wherein the sanad granted to the Jahagirdars and the decision of the Inam Commissioner were construed. The orders passed by Government therefore no longer survive in views of these authoritative judicial decisions.

7. The further allegation in paragraph 5 of plaint that the orders of Government in Government Resolution, Political and Services Department No. 923, dated the 7th September 1945 are ultra vires and not binding upon ~~Government~~ plaintiffs and the grounds upon which that allegation is based are denied. In the circumstances stated above the suit lands are sarajam lands ~~the~~

and the G. R, P. & S.D. No. 923, dated 7th September 1945 is legal, valid and binding upon all the parties concerned.

8. Government is not estopped from declaring the suit lands to be saranjam as alleged in the palint, nf or from resuming them at pleasure.

9. The defendant denies the allegation in the plaint regarding the manner of enjoyment of suit properties either by plaintiff or the family of his donor. The plaintiff has no title to the suit properties under the alleged deed of gift of 1936 and his claim of ownership to them is denied. The suit lands are subject to saranjam rules and the general powers of Government in respect of saranjam.

10. It is therefore submitted that plaintiff is not entitled to any relief and the suit should be dismissed with costs.

District Government Pleader,
Dharwar.

I, District Government Pleader, Dharwar, do hereby declare that what is stated in paragraphs 1 to 10 above is true according to the information received and believed to be true. This verification is made at on the day of 1947.

District Government Pleader,
Dharwar.

Ac. 22.5.

13 47

Suits.
Dharwar,
For a declaration that the Government Resolution (Political and Services Department) No. 923, dated the7th Sept. 1945 in so far as it affects S. Nos. 19 and 75 of the village of Hebli is illegal and ultra vires.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 1081
Bombay Castle, 11th June 1947.

Letter from the Collector of Dharwar, No. LAW 467, dated the 23rd April 1947 - Forwarding papers in the suit noted in the margin and requesting sanction to its defence.

In the Court of the Civil Judge (Senior Division) Dharwar. Civil Suit No. 299 of 1946. Venktesh N. Talvai - Plaintiff; Vs. The Provincial Government of Bombay - - Defednant and another Claim - Rs. 563 for Court fee and Rs. 4,000 for Jurisdiction

Endorsement by the Commissioner, Southern Division, No. LST 396, dated the 30th April 1947 Forwarding the above with his concurrence.

Memorandum to the District Government Pleader, Dharwar, No. 5472, dated the 27th May 1947 - Forwarding papers and instructions in advance to defend this suit on the lines of the brief accompanying Government Resolution, Legal Department, No. 4116-A, dated the 1st June 1946.

RESOLUTION:- Sanction is accorded to the defence of the suit on the lines of the brief accompanying Government Resolution, Legal Department, No. 4116-A, dated the 1st June 1946.

By order of the Governor of Bombay,

Sbd. for signature.
Original
R. M. Mehta
R. M. Mehta,
Assistant Secretary to Government.

KBB 10/6

To S. A. S 7/6

The Political and Services Department,
The Commissioner, Southern Division,
The Collector of Dharwar,
The District Government Pleader, Dharwar.

KBB 10/6

8Ko. 10.6.

Subd. after issue

File in S. Qwr/47 (New file)

:BB
13/6

S A.S. [signature]
13/6

15 29

Suits
Dharwar.
For a declaration that the Government Resolution (Political and Services Department) No.923, dated the 7th September 1945 in so for as it affects S. Nos. 19 and 75 of the village of Hebli is illegal and ultra vires.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 7570
Bombay Castle, August 1948.

11 Rs

Read Government Resolution, Legal Department, No.6081, dated the 11th June 1947.

Letter from the District Government Pleader, Dharwar, No. 656, dated the 14th October 1947, stating that the suit noted in the margin was decided by the Civil Judge, Senior Division, Dharwar, on the 13th October 1947, when the following order was passed:-

In the Court of the Civil Judge (Senior Division), Dharwar. Civil Suit No. 299 of 1946.	noted in the margin was decided by the Civil Judge, Senior Division, Dharwar, on the 13th October 1947, when the following order
Venktesh N.Talvai - - Plaintiff; Vs. The Provincial Government of Bombay and another) Defendants	
Claim -Rs. 563 for Court fee and Rs. 4,000 for Jurisdiction.	

"Dismissed with costs".

RESOLUTION: - The Result of the suit is recorded.

By order of the Governor of Bombay,

Original R. M. Mehta
R. M. MEHTA,
Assistant Secretary to Government.

To

The Political and Services Department,
The Commissioner, Southern Division,
The Collector of Dharwar.

7Kc. 10.8.

Issued 10/8/48

Presented on - 27-11-1947

Sd/- B.A.Joshi,

Clerk of the Court.

Civil Appeal No.54 of 1948

Exh. No.1

In the Court of the District Judge, Dharwar.

At Dharwar.

Appellant :- Venkatesh Narasinh Talwai, Caste Brahmin, age 56, Occupation Agrl, of Hebli, Taluka Dharwar. .. .. (or. plff).

Versus.

Respondents:- 1. The Provincial Government of Bombay. (thoruhg the Collector of Dharwar).

2. Sheshagirirao Madhavrao Heblikar, of Hebli, minor Saranjamdar - Estate Manager, the Collector of Dharwar.

(or. defts).

Claim Rs. 563/-

for jurisdiction - Rs.4000/-

The appellant being aggrieved by the decisions of the Civil Judge, S.D., Dharwar, in L.C.Suit No.299/46 dated 13-10-1947 begs to appeal against the same for the following among other grounds :-

1. The decisions of the trial Court is contrary to law and evidence in the case.

2. The construction of the Sanad made by the learned trial Judge is not proper. The Sanad has not been properly read.

3. The property should have been held to be private property of the Jahagirdars.

4. The finding on issue No.1 is wrong and borne out by the record of the case.

5. The G.R.s in connection with the property passed from time to time have not been properly read.

6. The learned Civil Judge holds that the G.R. in question is unltra vires with respect to certain set of properties and is not with respect to certain other properties is illegal and unjust.

7. The fact that the property has been treated both by the Government and Jahagirdars as private property of Jahagirdars is overlooked by the trial Court.

8. Having held part of the 200 mars of Kadim lands as Watan in Spl. Suit No.38 and 39 of 1945 which were tried as companion suits with Spl. Suit No.37 and 40 of 1945, decision in this suit that part of the same 200 mars is Saranjam is wrong.

9, The lower Court erred in holding that the suit is barred under section 4 of the R.J.Act.

10. The lower Court ought to have held that 27 Bom.L.R.1484 has the effect of Res-Judicata so far as the contention of the Government regarding the nature of the 200 mars is concerned.

11. The suit should have been decreed.

For these among other grounds that may be pressed at the time of hearing, it is prayed that the decree of the trial Court be set aside and the appeal be allowed with costs.

Dharwar
27th Nov '47.

Drafted and Presented
By
Sd/- B.G.Vaidya,
Pleader.

N.B. :- The copies of judgment and decree were applied by appellant on 11th Nov 1947 and it was received by the Nazir on 11th Nov 1947. But it was registered on 17-11-1947 as the Civil Courts had Divali Holidays and reopened on 17-11-1947. Hence the copies have been applied in time. Moreover the

decree is signed by the Judge on 23-10-1947 (Please vide page 6 of the decree). For all these reasons, the appeal is in time.)

Sd/- B.G.Vaidya,
Pleader.

27-11-1947.

Two weeks' time granted to pay the deficit Court fees.

Sd/- R.D.Shinde,
D.J. 27-11-47.

Order.

Admit - Notice

Sd/- B.V.L.
Extra Assistant Judge.

7-2-1948.

Necessary papers accompany.
The appeal is in time.
The appellant is resident of British India.
Proper Courtfee is paid on 26-1-1948.
Particulars to be entered in the Register of appeals.
Date 7-2-1948. Sd/- B.A.Joshi,
Clerk of the Court.

Process fee not paid.
25-2- Sd/- K.B.K.
Nazir.

Read Exh.15. The appeal is not pressed, but it is prayed that the appellant should not be saddled with costs ofnthe respondent. The Government Pleader, appearing for the Respondent presses for his costs. I dont dee any reason why the ordinary rule about costs should not prevail. It is no argument that there were similar appeals before. This is an independant appeal in which the Government Pleader had to appear seperately. Therefore, I dismiss the appeal with costs.

Sd/- D.G.Palekar.
Extra Asstt. Judge.

9-4-1951.

Bill of Costs.

Appellant	Rs.	As.	Ps.	Respondent	Rs.	As.	Ps.
1. Stamp for appeal Memo	50-	13-	0	1. Stamp for Vakalat.	0-	10-	0
2. Do for Vakalat.	0-	0-	0	2- Pleaders fees.	160-	0-	0
3. Do on other papers produced.	2-	8-	0				
4. Process fees.	3-	0-	0				
5. Pleaders fees.	160-	0-	0				
6. Copying fees.	61-	2-	0				
7. Paper book.	27-	0-	0				
Total.	304-	7-	0		160-	10-	0

Given under my hand and seal of the Court this 9th day of April 1951.

Verified and found correct.
Sd/- K.R.Dudihalli,
Clerk.

Sd/- D.G.Palekar
Extra Assistant Judge.
(Seal of the Court).

Sd/- B.G.Vaidya, Pleader for the appellant.

R.V.Jathar, Pleader for the Respondent.

1946

SBM 1/47

L. D.
15 MAY 1951

21 48

No. 398 dated 11 May '51,
Office of the Dist Govt Pleader,
Dharwar.

To

The Remembrancer of Legal Affairs,

Bombay.

Sub :- Civil Appeal No.54 of 1948 on the file of the District Judge, Dharwar.

Ref :- G.R.L.D.No.6081 dated 11-6-1947 and R.L.A.'s Memo No.12219 dated 31-10-49.

Sir,

I have the honour to inform you that Civil Appeal No.54 of 1948 was disposed off in favour of Government on 9-4-1951.

Uncertified copies of judgment and decree will be sent in due course.

Yours faithfully,

R.V. Jathar

for Dist. Govt. Pleader.

THE S... [illegible]
Filed 9721
Sub Jo 15-5-51
E

Submitted for information
Records may be recorded
after receiving copies of
judgment & decree.

Re
28/5

P Lobo

Tu
9-7-5

Records

After going through the papers in
the file it is found that G.P.
sanctioning defence of the appeal
is not issued. Only memo regarding (Ch. A)
the same is sent to the D.F.P.

Before issuing G.P. recording sanct-
ion G.P. sanctioning defence will have
to be issued.

Re
10/8

P Lobo. For orders. It appears in this case the G.P.

though the appeal has since been decided
in favour of Govt. a G.R. sanctioning
the dismissal of the appeal was between
issued, & that the D.F.P. was informed
accordingly & hence that the dismissal
of the appeal is subsequent.
(vide Slip A). For the purpose of the
record & also for the information
of the A.G.'s Office & Secretariat
that there should be a G.R. sanctioning
the dismissal of the appeal, hence the G.R.
& the issue of G.R. sanctioning

the dismissal of the appeal of Pte. the Same
v. another & G.R. re Bedding the.
Result of the appeal be as stated
herein.
10-8.

Sol. Gen.
1918

25 L.J.

Suits
Dharwar
For a declaration that the Government Resolution (Political and Services Department) No. 923, dated the 7th September 1945 in so far as it affects S.Nos. 19 and 75 of the village of Hebli is illegal and ultra vires.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 13566

Bombay Castle, 23rd August 1951.

Read Government Resolution, Legal Department, No. 7570, dated the 11th August 1948.

Letter from the District Government Pleader, Dharwar, No.838, dated the 30th September 1949 requesting Government's sanction to the defence of the Civil Appeal No. 54 of 1948 filed by the plaintiff in the suit noted in the margin.

In the Court of the Civil Judge, (Senior Division), Dharwar. Civil Suit No. 299 of 1946.
Venktesh N. Talvai - - - - Plaintiff Vs. The Provincial Government of Bombay and another) Defendants
Claim - Rs. 563 for Court fee and Rs.4000 for jurisdiction.

Letter from the Commissioner, Southern Division, No.L.S.T.-376, dated the 14th October 1949 forwarding the Collector of Dharwar's letter No. L.A.W. 467, dated the 6th October 1949.

RESOLUTION:- Sanction is accorded to the defence of the Civil Appeal No. 54 of 1948 in the Court of the District Judge, Dharwar, on the lines of the brief accompanying Government Resolution, Legal Department No. 6081, dated the 11th June 1947 and the favourable grounds contained in the judgment of the Civil Judge, (Senior Division), Dharwar, dated the 13th October 1947.

By order of the Governor of Bombay,

R. T. Katarki,
Deputy Secretary to Government.

To
The Political and Services Department,
The Collector of Dharwar,
The District Government Pleader, Dharwar.

8 C. 21.8.51.

26

Submitted after corrections

File in S Dhanwar 1/4/19

DDE
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A. Sahi
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